-

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 16232 of 2003

Between:

Dayanandu Vidyamandhir High School, Narayanapet, Mehabubnagar District, Rep. by its Correspondent, Vittal Rao

..... PETITIONER

AND

1 The Govt. of A.P., rep. by its Secretary Education Department, Secretariat, Hyderabad.
2 The Commissioner & Director of School Education, Saidabad, Hyderabad, Rep. by its High Level Committee.
3 The District Educational Officer, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the illegal action of the respondents in not admitting our school teacher posts approval posts in to Grant-in-aid in spite of forward of the concerned District Educational Officer and fulfillment of the conditions laid down in G.O.Ms.No. 238, dated 27-8-1986 from the date of eligibility is illegal, arbitrary and violation of Government orders and principles of natural justice and consequently direct the respondent Nos.1 & 2 to issue orders basing on the proceedings of the 3rd respondent to admit the approved posts of our school to Grant-in-aid forthwith.

Counsel for the Petitioner:MR.KOONA REDDY ANJI REDDY

Counsel for the Respondent Nos 1 to 3: GP FOR SCHOOL EDUCATION

The Court made the following :

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.16232 OF 2003

O R D E R:

Heard the learned counsel for both the parties.

The learned counsel for the petitioner submits that the petitioner's school was established during the year 1979-80 with the permission of the District Education Officer, Mehabubnagar, vide proceedings in ROC.No.4091/Recog/80, dated 16.6.1980. There after, the said School was upgraded into Upper Primary School by opening 6th and 7th classes vide proceedings, dated 22.09.1982. Finally, the school was also upgraded into High School by opening Classes in 8th during the year 1983-84. In the year 1984-85, 9th and 10th classes were also opened with the permission of competent authority. It is further stated that 5 SGBT posts were admitted to grant-in-aid for Primary Section from 01.09.1985 and lateron, the post of one Head Master, 2 SGBTs, one HP-II, one TP-2, one PET, one Junior Assistant and Office Attender were also admitted to grant in aid. There after, the District Educational Officer, Mehabubnagar, vide Lr.No.C2/2080/95, dated 11.11.1995

submitted proposals before the 2nd respondent recommending the petitioner school to admit grant-in-aid. In spite of the same, the 2nd respondent did not take any action on the recommendation made by the 3rd respondent nor placed the matter before the High Level Committee. Hence, this writ petition is filed. +

Having regard to the facts and circumstances and in view of the similar orders passed by this Court in W.P.No.5568 of 2002, dated 28.03.2002, the writ petition is disposed of directing the 2nd respondent to take appropriate action on the proposals received from the 3rd respondent-District Educational Officer, Mehabubnagar, dated 11.11.1995. If the said proposals are in conformity with the Rules, the 2nd respondent shall place the same before the High Level Committee within a period of six weeks from the date of receipt of a copy of this order and on placing the said proposals by the 2nd respondent, the 1st respondent shall take appropriate decision within a period of six weeks there after.

The writ petition is accordingly disposed of. No costs.

08.10.2004

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Govt. of A.P., Education Department, Secretariat, Hyderabad.
2 High Level Committee, Commissioner & Director of School Education,

Saidabad, Hyderabad.

3 The District Educational Officer, Mahabubnagar District.

4 2CCs to the G.P. for School Education, High Court of A.P., Hyderabad (OUT)

5 2CD copies.